

PROPOSAL TO AMEND UTAH CONSTITUTION --
MUNICIPAL WATER RESOURCES

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to municipal water rights and sources of water supply.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ revise a provision relating to municipal water rights and sources of water supply;
- ▶ eliminate references to municipal waterworks; and
- ▶ specify the circumstances under which a municipality may commit water resources or supply water outside its boundary or exchange water resources.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2021 for this proposal.

Utah Constitution Sections Affected:

REPEALS AND REENACTS:

ARTICLE XI, SECTION 6

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to repeal and reenact Utah Constitution Article XI, Section 6, to read:

Article XI, Section 6. [Municipal water rights and sources of water supply.]

~~[No municipal corporation, shall directly or indirectly, lease, sell, alien or dispose of any waterworks, water rights, or sources of water supply now, or hereafter to be owned or controlled by it; but all such waterworks, water rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and~~

~~operated by it for supplying its inhabitants with water at reasonable charges. Provided, That nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water rights, or sources of water supply, for other water rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.]~~

(1) A municipality that owns, acquires, or controls water rights or sources of water supply to supply water to the public:

(a) may not directly or indirectly lease, sell, alien, or dispose of any of those water rights or sources of water supply;

(b) shall preserve and maintain those water rights and sources of water supply to supply water to its inhabitants and others within its designated water service area; and

(c) may by ordinance designate the geographic limits of its water service area and define the terms of service, including water service charges that are reasonable.

(2) Nothing in Subsection (1) may be construed to prevent a municipality from:

(a) supplying water to retail consumers outside its boundary but within its designated water service area for reasonable charges established by ordinance;

(b) contractually committing its water rights or sources of water supply to provide water for use outside its designated water service area, if the water is in excess of the water needed for the municipality's designated water service area; or

(c) exchanging water rights or sources of water supply for other water rights or sources of water supply that the municipality determines will equally enable the municipality to meet the needs of its designated water service area.

Section 2. Submittal to voters.

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 3. Contingent effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2021.